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PLEASE REPLY TO NEW JERSEY OFFICE

March 28, 2007

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Via Electronic Filing & Facsimile (973) 645-6664

RE: **Mark Van v. Borough of North Haledon, et al.**
 Docket No. 05-5595 (JLL)
 Our File No. 3167/10409

The Honorable Claire C. Cecchi, U.S.M.J.
 United States District Court
 Martin Luther King Jr. Federal Building and
 U.S. Courthouse
 50 Walnut Street
 Newark, New Jersey 07102

Dear Judge Cecchi:

This office represents Defendants in the above-referenced matter. Please accept this letter as a joint request by Plaintiff Mark Van and Defendants for a pre-motion conference. Specifically, Plaintiff requests leave to amend the Complaint to add additional parties and Defendants' request permission to move for summary judgment to dismiss the named North Haledon Defendants.

By way of brief summary, discovery is open in this case until August 31, 2007. The depositions of all parties have been concluded, together with one non-party, Sgt Marc Rowe of the North Haledon Police Department. There are three non-party depositions scheduled for April 10 and April 11. Pursuant to the Court's Third Amended Pre-Trial Scheduling Order, entered on March 8, 2007, motions to amend pleadings must be made returnable no later than May 1, 2007. Additionally, all other motions require a pre-motion conference with Your Honor.

Plaintiff would like to make a motion to amend his pleadings to identify the John Doe Defendants which were named in the original pleading. Specifically, Plaintiff would like to add claims against a Police Officer from the Dumont Police Department, a non-party to this action, and possibly against a New York City Police Officer, also a non-party to this action. Defendants, would like to move for summary judgment on all

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claims against the North Haledon Defendants - the Township of North Haledon, Chief Ferrante, Lieutenant Darby, and Detective Parenta.

Plaintiff has indicated he may voluntarily dismiss some or all of the North Haledon Defendants once the depositions on April 10 and 11 are complete. In the event any of the North Haledon Defendants are not voluntarily dismissed by Plaintiff, these Defendants would like to move for summary judgment. As to the police officers, the motion would be based on qualified immunity, the lack of any evidence to support any claims against them, and/or the defenses available to the police officers under the New Jersey Tort Claims Act. As to the Borough of North Haledon, the motion will be based on the lack of evidence of a pattern, practice or policy causing a violation of Plaintiff's federal civil rights. And as to any state law claims against the Borough of North Haledon, the motion will be based upon the defenses available under the New Jersey Tort Claims Act and/or the absence of liability on the part of the police officers.

Plaintiff and Defendants request a pre-motion conference as soon as possible.

Respectfully submitted,



Anthony M. Rainone

AMR/mf

cc: Paul Faugno, Esq. (*via facsimile*)
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